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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

YOLANDA RENE WRIGHT,

Defendant and Appellant.

A094753

(San Mateo County
Super. Ct. No. 48807A)

Yolanda Rene Wright appeals from a judgment of conviction following the denial of a motion for suppression of evidence pursuant to Penal Code section 1538.5 (all further references are to the Penal Code unless otherwise specified). Following the denial of appellant's motion to suppress evidence, she entered a plea of no contest to a single count of violating Health and Safety Code section 11350, subdivision (a). The trial court suspended imposition of sentence and subjected appellant to probation for three years together with standard terms and conditions of probation and certain fines and fees.

Appellant's court appointed counsel has briefed no issues and asks us to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

Appellant was charged by information with one count of violating Health and Safety Code section 11350, subdivision (a) (possession of cocaine base, count 1).

In count 2, it was alleged that appellant possessed a hypodermic needle or syringe in violation of Business and Professions Code section 4140, a misdemeanor. The information also alleged certain prior felony convictions as described in section 1203, subdivision (e)(4) and Health and Safety Code section 11370, subdivision (a). These

prior convictions were a violation of Health and Safety Code section 11350 in 1991; a violation of Health and Safety Code section 11352 in 1990; and a violation of section 470 in 1985.

Appellant filed a motion to suppress the evidence against her, arguing that there was no probable cause to detain any of the occupants of the vehicle in which she was arrested and, in any event, no probable cause to search appellant, who was a passenger in the back seat of the vehicle. The prosecutor argued that the contraband and narcotics paraphernalia found in appellant's backpack would have been discovered inevitably in the course of events and also that her detention was lawfully incident to the search of the vehicle and its contents because of the discovery of a crack pipe on the floor near the driver's seat by the arresting officers.

The trial court denied the motion on the grounds that the initial approach of the vehicle by the arresting officers was not a detention and that probable cause developed after observation of the crack pipe in the car and observations of appellant herself as being under the influence of narcotics.

Immediately after denial of the suppression motion, appellant entered a plea of no contest to count 1, which was the violation of the Health and Safety Code section 11350, subdivision (a), and the remaining charges and allegations were stricken. Appellant was admonished by the court and a standard declaration and change of plea form was filed as part of the court's records.

As previously noted, the court suspended imposition of sentence and directed that appellant be supervised by the probation department for three years on the condition that she pay probation fee, a restitution fine, and fines and fees pursuant to Health and Safety Code sections 11372.5 and 11372.7. An interim jail term was imposed but was specifically modifiable to permit her to take part in a residential treatment program, which might become available. Appellant was given credit for time served.

Our review of the record discloses that appellant was represented by counsel throughout the proceedings and that her waiver of a trial, considered in view of the admonishments she received and her declarations, indicates that such waiver was

informed and voluntary. We discern no sentencing error and find no issues that require further briefing before the court. Accordingly, the judgment is affirmed.

Lambden, J.

We concur:

Kline, P. J.

Haerle, J.